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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/071,833
Filing Date: February 07, 2002
Appellant(s): MCCONNELL ET AL.

MCCONNELL ET AL.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/18/06 appealing from the Office action mailed 9/9/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,447,150	Maggenti et al.	11-2002
6,771,639	Holden, Mark J.	8-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-41 are presented for examination. These rejections are set forth in prior Office Action, Paper No. 10071833\20050905 and reproduced for convenient.

Claim Rejection - 35 USC § 102

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 - 10, 17 - 19, 21 - 29, 31 - 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Maggenti et al. (US Patent No. 6,447,150).

Regarding Claim 1, Maggenti discloses a method comprising: receiving into a network entity a signaling message indicative of a network communication;

- a) the network entity responsively extracting from a data store (see Maggenti col. 17, lines 42-46: database (i.e. data store)) a set of data usable by an application server to carry out a communication service in response to the signaling message; (see Maggenti col. 12, lines 3-7: session initiation, signaling parameters embedded in response to communications device (i.e. client))
- b) the network entity:
 - (i) outputting the signaling message for transmission over a network to the application server (see Maggenti col. 21, lines 4-9: communications session server processing signaling messages) and
 - (ii) making the set of data available for use by the application server in carrying out the communication service in response to the signaling message. (see Maggenti col. 12, lines 3-7: session communications information available to initiate session by server)

Regarding Claim 2, Maggenti discloses the method of claim 1, wherein the communication service is selected from the group consisting of (i) a group conferencing service, (ii) a multicasting service, and (iii) a voice mail service. (see Maggenti col. 4, lines 33-37; col. 22, lines 45-50; col. 14, lines 63-67: group conferencing, multicast, and voice mail services)

Regarding Claim 3, Maggenti discloses a method comprising:

- a) receiving an initiation message indicative of a request by an entity to engage in a communication; (see Maggenti col. 21, lines 4-9: session initiation request message received)
- b) responsively extracting from a first data store a set of data usable by an endpoint application to set up the communication; (see Maggenti col. 12, lines 3-7; col. 17, lines 8-11: server processes session initiation request from client (i.e. endpoint) utilizing database information) and
- c) outputting the ~~session~~ initiation message for transmission to the endpoint application and making the set of data available for use by the endpoint application to set up the communication. (see Maggenti col. 12, lines 3-7: communication parameters embedded in response message to client (i.e. endpoint))

Regarding Claim 4, Maggenti discloses the method of claim 3, wherein the entity comprises a SIP user, and the initiation message comprises a SIP INVITE request. (see Maggenti col. 11, lines 52-55; col. 11, lines 60-63: SIP protocol, SIP INVITE signaling message from client (i.e. endpoint))

Regarding Claim 5, Maggenti discloses the method of claim 3, wherein making the set of data available for use by the endpoint application to set up the communication comprises: sending the set of data to the endpoint application. (see Maggenti col. 12, lines 3-7: communication signaling information embedded within response sent to client (i.e. endpoint))

Regarding Claim 6, Maggenti discloses the method of claim 3, wherein making the set of data available for use by the endpoint application to set up the communication comprises: adding the set of data to the initiation message that is output for transmission to the endpoint application. (see Maggenti col. 12, lines 3-7: session communications initiation information added to client (i.e. endpoint) response)

Regarding Claim 7, Maggenti discloses the method of claim 3, wherein making the set of data available for use by the endpoint application to set up the communication comprises: publishing the set of data to a second data store that is accessible by the endpoint application. (see Maggenti col. 15, lines 22-34: local memory (i.e. second data store) utilized in communications data processing, accessible by servers and users (i.e. endpoint))

Regarding Claim 8, Maggenti discloses the method of claim 3, wherein making the set of data available for use by the endpoint application to set up the communication comprises: sending to the endpoint application a pointer to the set of data in the second data store. (see Maggenti col. 15, lines 22-34: local memory (i.e. second data store) utilized in communication data processing, accessible by servers and users (i.e. endpoint))

Regarding Claim 9, Maggenti discloses the method of claim 3, wherein making the set

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of data available for use by the endpoint application to set up the communication comprises: publishing the set of data on a message bus accessible by the endpoint application. (see Maggenti col. 9, lines 41-45; col. 15, lines 11-15: communications interface (i.e. message bus) for communications data processing by communications device (i.e. endpoint))

Regarding Claim 10, Maggenti discloses the method of claim 3, wherein the communication comprises a push-to-talk (PTT) session, the endpoint application comprises a PTT server, and the set of data comprises a PTT group-list designated for the entity. (see Maggenti col. 5, lines 9-11; col. 5, lines 41-46: PTT (i.e. push-to-talk) server and communication device (i.e. endpoint) in PTT session)

Regarding Claim 17, Maggenti discloses a system comprising:

- a) a processor; (see Maggenti col. 49, lines 38-39; col. 15, lines 38-44: processor, workstation (i.e. SUN) processor)
- b) data storage; (see Maggenti col. 17, lines 8-11: databases for communications and user parameters)
- c) user-profile data stored in the data storage; (see Maggenti col. 17, lines 14-26: user database (i.e. user profile information))
- d) proxy-server logic stored in the data storage and executable by the processor to receive a session initiation message and to responsively output the session initiation message for transmission via a packet-switched network to an

endpoint application, the session initiation message being indicative of a request to set up a communication involving a user; (see Maggenti col. 12, lines 3-9; col. 21, lines 4-9: session signaling messages processed to initiate communications) and

e) data-management logic stored in the data storage and executable by the processor, in response to receipt of a session initiation message,

(i) to extract from the user-profile data a set of data usable by the endpoint

application to facilitate set-up of the communication (see Maggenti col.

17, lines 14-26; col. 12, lines 3-7: user database (i.e. user profile

information), response setup with communications parameters) and

(ii) to make the set of data available for use by the endpoint application in

responding to the session initiation message. (see Maggenti col. 12, lines

3-7: data embedded within transmission response to client (i.e.

endpoint))

Regarding Claim 18, Maggenti discloses the system of claim 17, wherein the set of data comprises a buddy-list designated for the user. (see Maggenti col. 10, lines 33-37: user specific buddy list storage)

Regarding Claim 19, Maggenti discloses the system of claim 17, wherein the communication comprises a push-to-talk (PTT) communication session, and wherein the endpoint application comprises a PTT server. (see Maggenti col. 5, lines 9; col. 5, lines 41-46: PTT (i.e. push-to-talk) server and communication device (i.e. endpoint) in

PTT session)

Regarding Claim 21, Maggenti discloses the system of claim 17, wherein the data-management logic is executable to make the set of data available by placing the set of data on a message bus accessible over the packet-switched network by the endpoint application. (see Maggenti col. 12, lines 3-7; col. 9, lines 41-45: session signaling response messages processed through communication interface (i.e. messages bus))

Regarding Claim 22, Maggenti discloses the system of claim 17, wherein the data-management logic is executable to make the set of data available by publishing the set of data to a data store accessible by the endpoint application. (see Maggenti col. 15, lines 22-34: local memory (i.e. second data store) utilized in communications data processing, accessible by servers and users (i.e. client or endpoint))

Regarding Claim 23, Maggenti discloses the system of claim 22, further comprising the data store. (see Maggenti col. 17, lines 8-11: communications information within database (i.e. data storage))

Regarding Claim 24, Maggenti discloses the system of claim 17, wherein the data-management logic is executable to make the set of data available by inserting the set of data in the session initiation message that the processor outputs for transmission to the endpoint application. (see Maggenti col. 12, lines 3-7: set of data inserted within session

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initiation response message transmitted to user (i.e. client or endpoint))

Regarding Claim 25, Maggenti discloses the system of claim 17, wherein the session initiation message is a SIP INVITE request message. (see Maggenti col. 11, lines 52-55; col. 11, lines 60-63: SIP protocol, SIP INVITE signaling message from client (i.e. endpoint))

Regarding Claim 26, Maggenti discloses in a networked platform of the type having proxy-server functionality to receive a session initiation message and to forward the session initiation message to an application server, wherein the application server then performs a service in response to the session initiation message, the improvement comprising: data-management logic executable by the platform, in response to receipt of the session initiation message,

- (i) to extract from a profile store data usable by the application server to facilitate performance of the service and (ii) to make the data available for use by the application server to facilitate performance of the service. (see Maggenti col. 17, lines 8-11; col. 17, lines 14-26: user database (i.e. user profile information) used to deliver communications service)

Regarding Claim 27, Maggenti discloses the improvement of claim 26, wherein the session initiation message indicates a request by a communicating entity, and wherein the data that the platform extracts from the profile store is data designated for the communicating entity. (see Maggenti col. 17, lines 14-26: pertinent communications

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data stored within user database (i.e. user profile information))

Regarding Claim 28, Maggenti discloses the improvement of claim 27, wherein the request by the communicating entity comprises a request to establish a group communication session, wherein the data comprises a group list designated for the communicating entity, the group list being usable by the application server to facilitate establishment of communication legs for the group communication session. (see Maggenti col. 10, lines 56-62; col. 11, lines 20-23: group list utilized to setup group based communications)

Regarding Claim 29, Maggenti discloses the improvement of claim 27, wherein the request by the communicating entity comprises a request to send a communication to a plurality of users, wherein the data comprises a group list designated for the communicating entity, the group list indicating the plurality of users and being usable by the application server to facilitate sending of the communication to the plurality of users. (see Maggenti col. 10, lines 56-62; col. 11, lines 20-23: group list utilized to setup group based communications)

Regarding Claim 31, Maggenti discloses the improvement of claim 26, wherein the platform makes the data available for use by the application server by sending the data to the application server. (see Maggenti col. 17, lines 8-11; col. 17, lines 14-26: user database (i.e. user profile information) used to deliver communications service)

Regarding Claim 32, Maggenti discloses the improvement of claim 26, wherein the platform makes the data available for use by the application server by adding the data to the session initiation message that the platform forwards to the application server. (see Maggenti col. 11, line 63 - col. 12, line 1: session initiation information redirected from SIP main server to SIP user agent servers for communications processing)

Regarding Claim 33, Maggenti discloses the improvement of claim 26, wherein the platform makes the data available for use by the application server by publishing the data to a data store that is accessible by the application server. (see Maggenti col. 17, lines 8-11: database information utilized by communications manager (i.e. server))

Regarding Claim 34, Maggenti discloses the improvement of claim 26, wherein the platform makes the data available for use by the application server by publishing the data to a message bus that is accessible by the application server. (see Maggenti col. 9, lines 41-45: session communications information processed utilizing communications interface (i.e. message bus))

Regarding Claim 35, Maggenti discloses the improvement of claim 26, wherein the proxy server functionality is SIP proxy server functionality, and wherein the session initiation message is a SIP INVITE request message. (see Maggenti col. 11, lines 52-55; col. 11, lines 60-63: SIP protocol, SIP INVITE signaling message from client (i.e.

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endpoint))

Regarding Claim 36, Maggenti discloses a method comprising:

- a) receiving into a registration server a signaling message indicating that a user is online in a communication network; (see Maggenti col. 21, lines 4-9: connection occurred (i.e. user online) session signaling messages received and processed) and
- b) the registration server responsively extracting from a data store a buddy-list designated for the user, and the registration server making the buddy-list available for use by an application server in setting up a communication for the user. (see Maggenti col. 10, lines 33-40: user specific buddy list utilized for communications)

Regarding Claim 37, Maggenti discloses the method of claim 36, wherein making the buddy-list available for use by the application server in setting up a communication for the user comprises: publishing the buddy list to a data store that is accessible by the application server. (see Maggenti col. 10, lines 33-40; col. 17, lines 14-26: user specific buddy list stored within databases)

Regarding Claim 38, Maggenti discloses the method of claim 36, wherein making the buddy-list available for use by the application server in setting up a communication for the user comprises: publishing the buddy-list accessible to the application server on a message bus. (see Maggenti col. 10, lines 33-40: user specific buddy list accessible by

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communications manager (i.e. server) for communications setup)

Regarding Claim 39, Maggenti discloses the method of claim 36, wherein making the buddy-list available for use by the application server in setting up a communication for the user comprises: sending the buddy-list to the application server. (see Maggenti col. 10, lines 33-40: user specific buddy list accessible by communications manager (i.e. server))

Regarding Claim 40, Maggenti discloses the method of claim 36, wherein the communication comprises a push-to-talk (PTT) session, and the application server comprises a PTT server. (see Maggenti col. 5, lines 9-11; col. 5, lines 41-46: PTT (i.e. push-to-talk) server and communication device (i.e. client or endpoint) in PTT session)

Claim Rejection - 35 USC § 103

2. Claims 11 - 16, 20, 30, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US Patent No. 6,447,150) in view of Holden (US Patent No. 6,771,639).

Regarding Claim 11, Maggenti discloses a communication system utilizing an endpoint application, communications server, and a group list designated for the entity. (see Maggenti col. 3, lines 55-63; col. 10, lines 56-62: communications server, group list

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utilized) Maggenti does not disclose an instant messaging communications system.

However, Maggenti discloses the method of claim 3, wherein the communication comprises an instant-messaging (IM) communication and an IM server. (see Holden col. 8, lines 63-65; col. 9, lines 2-3: instant messaging communications capabilities utilized)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maggenti to utilize clients/servers within an instant messaging communications service as taught by Holden. One of ordinary skill in the art would be motivated to employ Holden in order to enable increased capacity and reliability for communications over a packet based network. (see Holden col. 1, lines 19-22: “ ... *increased capacity and reliability of packet-based data networks, voice communications (including telephone calls, video conferencing, and so forth) over data networks ...* ”)

Regarding Claim 12, Maggenti discloses a method comprising:

- a) transporting an initiation message over a radio access network from a wireless mobile station to a packet-switched network, the initiation message being indicative of a request from a user of the wireless mobile station to engage in a communication; (see Maggenti col. 21, lines 25-29: radio access (i.e. wireless) communications network protocol utilized)
- b) Maggenti discloses transmitting the initiation message over the packet-switched network to a signaling server, and receiving the initiation message

into the signaling server; (see Maggenti col. 21, lines 4-9: session initiation (SIP) protocol communications system) Maggenti does not disclose a proxy server utilized in session communications. However, Holden discloses transmitting to a signaling proxy server and receiving initiation message into the signaling proxy server. (see Holden col. 4, lines 52-55; col. 4, lines 57-59: proxy servers utilized in communications session initiation)

- c) Maggenti discloses in response to the initiation message, the signaling server extracting from a data store a set of data usable by an application server to set up the communication; (see Maggenti col. 21, lines 4-9; col. 17, lines 8-11: session initiation (SIP) communications system, setup data utilized from database) Maggenti does not disclose a proxy server utilized in session communications. However, Holden discloses a signaling proxy server processing data for session communications. (see Holden col. 4, lines 52-55; col. 4, lines 57-59: proxy servers utilized in communications session) and
- d) Maggenti discloses the signaling server processing the initiation message in the application server and making the set of data available for use by the application server in responding to the initiation message. (see Maggenti col. 21, lines 4-9: session initiation (SIP) protocol communications messages processed) Maggenti does not disclose a proxy server utilized in session communications. However, Holden discloses the signaling proxy server

utilized in the initiation of session communications. (see Holden col. 4, lines 52-55; col. 4, lines 57-59: proxy servers utilized in communications session)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maggenti to utilize a proxy server in a communications session initiation as taught by Holden. One of ordinary skill in the art would be motivated to employ Holden in order to enable increased capacity and reliability for communications over a packet based network. (see Holden col. 1, lines 19-22)

Regarding Claim 13, Maggenti discloses the method of claim 12, further comprising: the application server receiving the initiation message and using the set of data to set up the communication. (see Maggenti col. 21, lines 4-9: session initiation signaling messages utilized for communications)

Regarding Claim 14, Maggenti discloses the method of claim 13, wherein the set of data comprises a buddy-list designated for the user. (see Maggenti col. 10, lines 33-40: user specific buddy list)

Regarding Claim 15, Maggenti discloses the method of claim 14, wherein the application server comprises a push-to-talk server (PTT) and the communication comprises a PTT session. (see Maggenti col. 5, lines 9-11; col. 5, lines 41-46: PTT (i.e. push-to-talk) server and communications device (i.e. client or endpoint) in PTT

session)

Regarding Claim 16, Maggenti discloses a communications server. (see Maggenti col. 3, lines 55-63: communications manager (i.e. server)) Maggenti does not disclose an instant messaging communications server. However, Holden discloses the method of claim 14, wherein the server comprises an instant messaging (IM) server, and the communication comprises an IM communication. (see Holden col. 8, lines 63-65; col. 9, lines 2-3: instant messaging communications capabilities utilized)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maggenti to utilize clients/servers within an instant messaging communications service as taught by Holden. One of ordinary skill in the art would be motivated to employ Holden in order to enable increased capacity and reliability for communications over a packet based network. (see Holden col. 1, lines 19-22)

Regarding Claim 20, Maggenti discloses a communications server. (see Maggenti col. 3, lines 55-63: communications manager (i.e. server)) Maggenti does not disclose an instant messaging communications server. However, Holden discloses the system of claim 17, wherein the communication comprises an instant-messaging (IM) communication, and an IM server. (see Holden col. 8, lines 63-65; col. 9, lines 2-3; col. 4, lines 44-50: instant messaging communications capabilities utilizing clients/servers)

It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Maggenti to utilize clients/servers within an instant messaging communications service as taught by Holden. One of ordinary skill in the art would be motivated to employ Holden in order to enable increased capacity and reliability for communications over a packet based network. (see Holden col. 1, lines 19-22)

Regarding Claim 30, Maggenti discloses a communications server. (see Maggenti col. 3, lines 55-63: communications manager (i.e. server)) Maggenti does not disclose an instant messaging communications server. However, Holden discloses the improvement of claim 29, wherein the communication comprises an instant-message. (see Holden col. 8, lines 63-65; col. 9, lines 2-3: instant messaging communications capabilities utilized)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maggenti to utilize clients/servers within an instant messaging communications service as taught by Holden. One of ordinary skill in the art would be motivated to employ Holden in order to enable increased capacity and reliability for communications over a packet based network. (see Holden col. 1, lines 19-22)

Regarding Claim 41, Maggenti discloses an application server comprising a message communications server. (see Maggenti col. 3, lines 55-63: message communications manager (i.e. server)) Maggenti does not specifically disclose instant messaging

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communications techniques. However, Holden discloses the method of claim 36, wherein the communication comprises an instant messaging (IM) communication and an IM server. (see Holden col. 8, lines 63-65; col. 9, lines 2-3: instant messaging communications capabilities utilized)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maggenti to utilize clients/servers within an instant messaging communications service as taught by Holden. One of ordinary skill in the art would be motivated to employ Holden in order to enable increased capacity and reliability for communications over a packet based network. (see Holden col. 1, lines 19-22)

(10) Response to Argument

A. Claims 1 - 10, 17 - 19, 21 - 29, and 31 - 40 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent No.6,447,150 (**Maggenti**).

A.1. The referenced prior art does not disclose “... *a network entity (i) receiving a signaling message, (ii) extracting data that can be by an application server to carry out is communication service in response to the signaling message, (iii) outputting the signaling message for transmission to the application server, and (iv) making the extracted data available for use by the application server.* (see Remarks Page 4, Lines 6-10)

A.2. The referenced prior art does not disclose “ ... *the response message (200 OK) generated by the CM in the scenario is clearly not the signaling message received by the CM ... it is an altogether different message ...* ” (see Remarks Page 4, Lines 17-20)

A.3. The referenced prior art does not disclose “ ... *the network entity responsively extracting from a data store a set of data usable by an application server to carry out a communications service in response to the signaling message. (see Remarks Page 5, Lines 6-7) ; “ ... a system that extracts data from a user profile store in response to a session initiation message and makes that data available for use by an endpoint application to which the system sends the session initiation message that it receives ...* ” (see Remarks Page 7, Lines 9-11) ; (Remarks Page 9, Lines 4-7)

A.4. The referenced prior art does not disclose “ ... *receiving an initiation message indicative of a request by an entity to engage in a communication, responsively extracting data usable by an endpoint application to set up the session, and outputting the session initiation message for transmission to the endpoint application and making the set of data available for use by the endpoint application ...* ” (see Remarks Page 5, Line 21 - Page 6, Line 2)

A.5. The referenced prior art does not disclose “ ... *outputting the session initiation message for transmission to the endpoint application and making the set of data*

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available for use by the endpoint application to set up the communication ... “ (see Remarks Page 6, Lines 10-12)

A.6. The referenced prior art does not disclose “ ... *data management logic executable by the processor ... “ (see Remarks Page 7, Lines 16-17)*

A.7. The referenced prior art does not disclose “ ... *receives a session initiation message and forwards the session initiation message along to an application server ... “ (see Remarks Page 8, Lines 15-16)*

A.8. The referenced prior art does not disclose “ ... *receiving into a registration server a signaling message indicating a user is online in a communication network, and (ii) the registration server responsively extracting from a data store a buddy-list designated for the user, and the registration server making the buddy-list available for use by an application server in setting up a communication for the user ... “ (see Remarks Page 9, Lines 17-19)*

B. Claims **11-16, 20, 30, 41** stand rejected under 35 U.S.C. 103(a) as being allegedly obvious over Maggenti in view of U.S. Patent No. 6,771,639 (Holden).

B.1. The referenced prior art does not disclose “ ... *a proxy server receives an initiation*

message, the proxy server would (a) extract from a data store a set of data usable by an application server to set up the communications and (b) forward the initiation message to the application server and make the set of data available for use by the application server in responding to the initiation message ... " (see Remarks Page 12, Lines 14-17)

Examiner Response to Argument dated May 18, 2006

The Examiner's Rejection is proper given that the cited passages of **Maggenti** (6,447,150) and **Holden** (6,771,639) disclose the applicant's claimed invention.

As to point A.1:

Maggenti discloses the applicant's invention substantially as claimed. Maggenti discloses a network entity (see Maggenti col. 2, lines 33-38; col. 15, lines 38-44), signaling protocol utilized for a communications protocol (see Maggenti col. 7, lines 43-47), extracting data that is used for communications (see Maggenti col. 17, lines 14-26; col. 12, lines 3-7: user database (i.e. user profile information), response setup with communications parameters)), receiving a communications signaling message (see Maggenti col. 21, lines 4-9: session initiation request message received), and data extraction for usage to initiate communications (see Maggenti col. 11, lines 20-23: information pertaining to communications).

As to point A.2:

Maggenti discloses the response message as a standard SIP (Session Initiation

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Protocol) message for communications setup and initiation. The Examiner does dispute the Applicant's assertion concerning this message. (see Remarks Page 4, Line 20)

Clearly, this is a message utilized for the setup of communications by the application server, and the data transmission uses signaling protocol for messages between network nodes. (see Maggenti col. 7, lines 43-47)

As to point A.3:

Maggenti does disclose a database for the CM, which contains user specific information (i.e. a user profile) for multiple users (i.e. clients, CDs). (see Maggenti col. 7, lines 15-28) And, Maggenti discloses a database for a CD, which contains user specific information for a subset of users (i.e. clients, CDs). (see Maggenti col. 11, lines 20-23: information pertaining to communications) It would be obvious to anyone skilled in the art to access, extract, and manipulate the user specific information within the CM or CD database(s) to setup and manage a communications session between two network endpoints. Maggenti discloses that the member (i.e. user, client, CD) information within these database is utilized to initiate and manage communications between network endpoints.

In addition, Applicant admits that the prior art does teach a user profile database. (see Remarks Page 6, Line 3), a CM generates and sends a response SIP message to a CD upon receipt of a session initiation message from the CD (see Remarks Page 6, Lines 3-4)

And, the Applicant admits that Maggenti teaches " ... extracting data from a

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database to facilitate carrying out a communications service ... " (see Remarks Page 8, Lines 19-20) The CD is the endpoint applicant to which a session initiation message is sent for the communications setup and initiation between two network nodes or entities.

It is clear that SIP, which is a standards based session initiation protocol for the setup and initiation of communications between network connected nodes or entities, and is utilized for communications setup and initialization. SIP, by definition, is a negotiation protocol whereby the two network nodes transfer setup information between the network nodes until an established protocol is finalized. The communications data extracted from the database and used for communications setup is transferred to the endpoint application.

As to point A.4:

Maggenti prior art discloses the receipt of a request for communications by an endpoint, (see Maggenti col. 21, lines 4-9: session initiation request message received), responsively extracting from a first data store a set of data usable by an endpoint application to set up the communication, (see Maggenti col. 12, lines 3-7; col. 17, lines 8-11: server processes session initiation request from client (i.e. endpoint) utilizing database information), and outputting the initiation message for transmission to the endpoint application thereby making the set of data available for use by the endpoint application to set up the communication (see Maggenti col. 12, lines 3-7: communication parameters embedded in response message to client (i.e. endpoint)).

As to point A.5:

Maggenti discloses outputting a session initiation message for data transmission to an endpoint application and making the set of data available for use by the endpoint application. (see Maggenti col. 2, lines 33-38: session communications between endpoints; col. 12, lines 3-7: parameters embedded within response for usage to setup and initiate communications between endpoints; col. 24, lines 55-57: application service software)

Maggenti discloses the capability to initiate a communications session, which is initiated utilizing the Session Initiation Protocol (SIP) standard protocol, between two network endpoints (i.e. CDs).

As to point A.6:

Maggenti discloses a database system which utilizes data management logic and is executable by a processor. Maggenti discloses a system executable by a processor. (see Maggenti col. 15, lines 44-46: software logic to implement communications system) The functions stated by the applicant are the functions of a data management system. Merely stating these are not the functions of a data management system is an incorrect assessment by the Applicant.

As to point A.7:

The referenced prior art discloses communications between two CDs (i.e. communications endpoints) with the generation and transmission of a communications

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initiation message (i.e. a request) to start a communications session. (see Maggenti col. 2, lines 33-38: communications between endpoints ; col. 21, lines 4-9: request to initiate communication session)

Maggenti discloses the capability to forward a session initiation message to an application server. (see Maggenti col. 2, lines 33-38: communications between endpoints; col. 12, lines 3-7: parameters embedded within response for usage to setup and initiate communications between endpoints; col. 24, lines 55-57: application service software)

As to point A.8:

Maggenti discloses a registration server for information input through a user interface. (see Maggenti col. 8, lines 32-42: user interface for registration (i.e. administration)) And, Maggenti discloses a list of members (i.e. a buddy list) that is available for usage in communication sessions, which are setup and initiated by an application service module. (see Maggenti col. 10, lines 56-62: net list (i.e. group list, buddy list) ; col. 24, lines 55-57: application service module)

Applicant admits that the referenced prior art discloses that a CM “may”, therefore, it has the capability and it does disclose the capability to obtain a buddy-list and that group communications are based on SIP and broadcast media signaling. (see Remarks Page 10, Lines 12-15)

Applicant admits that Maggenti teaches “ ... extracting data from a database to facilitate carrying out a communications service ... ” (see Remarks Page 8, Lines 19-

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20)

It is clear that the CM utilizes the user database for information to setup and establishment. It would be well known why the database is accessed. The access function is the acquire "user" information a "user" database. The only usage for the information is to setup a communications session between network nodes or entities.

Applicant's principal arguments seem to be a question over whether the prior art uses signaling techniques to transfer messages (i.e. signaling message).

Maggenti clearly discloses that the usage of SIP (Session Initiation Protocol) for the setup and control of communications between network nodes. The SIP INVITE message is a standard SIP message utilized to setup communications.

As to point B.1:

Maggenti discloses the capability for the CM to enable and facilitate network communications between two CDs (i.e. Communications Device). (see Maggenti col. 3, lines 55-63) The Communications Manager (CM) operates analogous to a proxy server or proxy interface (i.e. communications interface) for data (i.e. network) packets transmitted between two CDs. (see Maggenti col. 7, lines 43-46; col. 8, lines 20-24) In addition, Maggenti discloses the receipt of an initiation message (see Maggenti col. 21, lines 4-9: session initiation request message received), and the extraction of data from a data store for usage to setup communications. And, Maggenti does disclose the forwarding capabilities analogous to applicant's invention.

Applicant invention discloses a communications system with session initiation

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capabilities. Holden discloses a communications system with the capability to initiation a session between two endpoints (i.e. calling party, called party). Most importantly, Holden discloses the capability for instant messaging which is a principal feature in applicant's invention.

SIP is a protocol based on the IETF RFC2543 standard, which was developed for the initiation and termination of a communications session between two network endpoints. In addition, SIP has the capability for network communications utilizing a proxy server or communications interface device. The Communications Manager (CM) operates analogous to a proxy server (i.e. communications interface). (see Maggenti col. 7, lines 43-46; col. 8, lines 20-24)

By definition, SIP is session management process: “ ... *SIP is a request-response protocol, dealing with requests from clients ... and responses from servers ... Requests can be sent through any transport protocol, such as UDP, SCTP, or TCP. SIP determines the end system to be used for the session, the communication media and media parameters, and the called party's desire to engage in the communication. Once these are assured, SIP establishes call parameters at either end of the communication, and handles call transfer and termination. ...* ” (i.e. clients and servers, equivalent to Communications Devices (CDs))

(1. http://searchnetworking.techtarget.com/sDefinition/0,,sid7_gci541639,00.html)

(2. <http://www.cconvergence.com/article/CTM20000608S0019>)

Once the user specific information is obtained from the database, SIP conveys

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information, from endpoint 1, about the protocol to be used to describe the session to endpoint 2 (i.e. application server). Once SIP delivers the session description information to endpoint 2, SIP delivers the response (i.e. acceptance or rejection) from endpoint 2 to endpoint 1. SIP also negotiates a common format for describing the communications session. This communications takes place through the CM interface between the two endpoints (i.e. CDs).


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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